

Remarks

I. Status of the Claims

Presently pending are Claims 18-27 and 29-43. Applicants herein amend Claims 18 and 41-43. Applicants submit that no new matter has been added.

II. Summary of the Office Action

In the Final Office Action mailed November 2, 2009, the Examiner rejected Claims 18-19, 25-26, 30, 32-33, and 42-43 under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent No. 5,415,632 (Samson) in view of U.S. Patent No. 6,390,130 (Guala). Further, the Examiner rejected Claims 22-24 and 41 under 35 U.S.C. 103(a) as being allegedly unpatentable over Samson in view of U.S. Patent No. 5,025,829 (Edwards), Claims 20-21 under 35 U.S.C. 103(a) as being allegedly unpatentable over Samson and Guala in view of Edwards, and further in view of U.S. Patent Application Publication No. 2003/0153869 (Ytteborg), Claims 27 and 38-40 under 35 U.S.C. 103(a) as being allegedly unpatentable over Samson and Guala in view of Edwards, Claims 29 and 31 under 35 U.S.C. 103(a) as being allegedly unpatentable over Samson and Guala in view of U.S. Patent No. 5,897,033 (Okawa), Claims 34-36 under 35 U.S.C. 103(a) as being allegedly unpatentable over Samson and Guala in view of U.S. Patent No. 6,110,141 (Nuesch), and Claim 37 under 35 U.S.C. 103(a) as being allegedly unpatentable over Samson and Guala in view of U.S. Patent No. 3,981,636 (Aoki).

III. Response to the Rejections

Claim 18 as amended recites a diaphragm of a valve with elongate openings and additional compact openings. Additional structure is now recited to further clarify the shape of the "elongate openings." The elongate openings are described as having "a long dimension" and are uniformly distributed adjacent the periphery of the diaphragm are separated from one another by webs.

Additionally, the shape and arrangement of the compact openings is now described in further detail. Claim 18 now recites that the compact openings are

smaller than the elongate openings and are present in areas generally “between said elongate openings with said compact openings having a part that extends adjacent said periphery and another part that extends generally radially relative to a center of said diaphragm.”

Neither Guala nor Samson teaches elongate openings and additional smaller, compact openings as recited in Claim 18. Applicants’ amendments further clarify and highlight the shape and arrangement of the elongate openings and the compact openings, to address the Examiner’s Response to Arguments on page 19 of the Office Action.

For at least the reason that the elongate openings and additional compact openings recited in Claim 18 are not shown in the cited references, there is no case of *prima facie* obviousness. Applicants thus submit that Claim 18 is allowable. Claims 19-21 and 25-40 ultimately depend from Claim 18 and Applicants submit that for at least the reason that each claim ultimately depends from allowable Claim 18, Claims 19-21 and 25-40 are also allowable.

In addition, Claim 29 was rejected as being unpatentable over the combination of Samson and Guala, further in view of U.S. Patent No. 5,897,033 (“Okawa.”) Claim 29 recites a breast shield in which the compact openings have a T-shaped configuration. Okawa does not disclose T-shaped openings. Instead, Okawa discloses cross-shaped openings. Figure 3b of Okawa only shows a symmetrical cross-shaped slit 23. (See column 4, line 24). This shape is different from the shape recited in Claim 29. A “T” shape does not have a center of symmetry, and would not react the same way as the opening described in Okawa. A T-shaped opening is not the same as a cross shape.

In Claims 41-42, the elongate dimensions of the elongate openings are set out. Claim 41 describes the elongate openings that “**follow a circle adjacent the periphery.**” The openings in Guala do not show openings described as such. In Guala, the elongate dimensions of the openings extend in a radial direction and not along the circle. Since Guala and the other references do not show the claimed elongate openings, this claim should be allowable over the cited references. Applicants submit that Claims 41-42 are thus allowable.

In Claim 43, the valve body is a unitary part comprising the jacket and the diaphragm. This jacket allows the attachment to the valve seat. In Samson the diaphragm has to be arranged between two parts of the valve seat, it has to be clamped. The same applies to Guala. Since Guala and the other references do not show the claimed valve body being a unitary part including the jacket and the diaphragm, Applicants submit that Claim 43 is allowable over the cited references.

Claims 22-24 were rejected by the Examiner in view of Samson in combination with Edwards. Claims 22-24 are cancelled, and Applicants submit this rejection is now moot.

IV. Conclusion

For these reasons, Applicants respectfully request favorable reconsideration and allowance of all the pending claims. Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-3347.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Date: April 2, 2010

By: /Nicole E. Reifman/
Nicole E. Reifman
Registration No. 58,792